

LUMPKIN COUNTY RESOLUTION NO. 01-25

**A Resolution Establishing the Lumpkin County
Vacation Rental Cabin Ordinance**

Whereas, the construction of rental cabin developments can have positive impact upon Lumpkin County through the production of property tax and hotel/motel tax revenue; and

Whereas, the governing authority of Lumpkin County now desires to establish regulations designed to encourage rental cabin developments and to decrease the amount of land disturbance, preserve natural settings, and limit impervious areas.

Now therefore, it is hereby resolved and ordained that the rules and regulations attached hereto and made a part hereof are adopted and said rules and regulations shall be known as the Lumpkin County Vacation Rental Cabin Ordinance,

It is further resolved that in the event any provision of this resolution or the rules and regulations adopted herein is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this resolution or the rules and regulations adopted herein.

Resolved, adopted and effective this 17th day of May, 2001.

Stephen W. Gooch
Lumpkin County Commissioner

Attest:

Ruth A. Bohac
Clerk, Lumpkin County

**Lumpkin County
Vacation Rental Cabin Ordinance**

Section 1. TITLE

The rules and regulations contained herein shall be known as the Lumpkin County Vacation Rental Cabin Ordinance.

Section 2. DEFINITIONS

Vacation Rental Cabin:

A dwelling unit built for the purpose of rental to guests for short periods of time.

Vacation Rental Cabin Development ('Development'):

A tract of land containing three or more vacation rental cabins.

Section 3. GENERAL PROCEDURE

When any rental cabin development is proposed and before any permit is issued, the owner shall apply for and secure the approval of the proposed development in accordance with the following procedures.

3.1 Application for Preliminary Approval:

- (a) The owner shall submit a preliminary plat to the Department of Environmental Health for approval prior to submission to the Lumpkin County Planning Department.
- (b) After approval by the Department of Environmental Health, the owner shall make an application to the Lumpkin County Planning Director for preliminary plat approval. The application must be accompanied by five copies of the preliminary plat.
- (c) The application and/or preliminary plat must include the following:
 - (1) all proposed cabins and any permanent dwellings that will be located in the Development,
 - (2) the location and means of access (driveway or walkway) to all proposed cabins and any permanent dwellings,
 - (3) the location of all parking areas,
 - (4) the location and type of water system that will serve the Development,
 - (5) the location and design of all roads within the Development, including a typical road section of all interior roads,
 - (6) the location of any other improvements on the property, including any office buildings and vending areas,

- (7) the total acreage of the development,
- (8) the location and type of sewer system,
- (9) the estimated time for completion,
- (10) land disturbing activity plan

3.2 Final Plat Requirements

- (a) The final plat must contain the following statements in bold print on each page: **This development is designed according to the Lumpkin County Vacation Rental Cabin Ordinance. This property cannot be subdivided into separate tracts without resubmitting the entire development to the Lumpkin County Planning Department and conforming to the Lumpkin County Subdivision Regulations and any other development regulations which may apply at that time. All roads within this development are private roads and will not be maintained by Lumpkin County.**
- (b) After approval, the final plat must be recorded in the plat records of Lumpkin County. When the final plat is submitted for approval, the owner shall also submit to the Lumpkin County Planning Department a check made payable to the Lumpkin County Clerk of Superior Court in the amount of the recording costs and the Lumpkin County Planning Department shall forward the plat to the clerk's office for recording.

Section 4. REGULATIONS

A Vacation Rental Cabin Development shall be considered a commercial use and shall be subject to Hotel/Motel Tax.

Except as otherwise provided herein, all provisions of the Lumpkin County Subdivision Regulations, the Lumpkin County Soil Erosion and Sedimentation Control Ordinance, the building codes of Lumpkin County, and all other county regulations and ordinances apply to Vacation Rental Cabin Developments.

4.1 Lot Size:

- (a) The Development will be considered a single parcel and not divisible into separate lots without resubmitting the development to the Lumpkin County Planning Commission as a subdivision and meeting all of the subdivision and development requirements in effect at that time.
- (b) The total acreage of the Development must be at least five (5) acres.

4.2 Cabin Density:

The total number of cabins in the Development shall be limited by the total acreage of the Development. There shall be no more than one (1) cabin per acre.

4.3 Road Requirements:

- (a) All interior road design must be approved by the Planning Department and/or Public Works Department prior to the issuance of a grading permit.
- (b) Roads within the Development must be located so as to minimize grading.
- (c) All one way roads must be clearly marked as one way.
- (c) All dead end roads must end with a cul de sac and must be clearly marked as dead end.
- (d) All roads must be designed to be easily accessible by emergency vehicles.
- (e) All road intersections must comply with the requirements set out in the Lumpkin County Subdivision Regulations.
- (f) The entrance road is the road leading from a public road into the Development. The entrance road surface shall be of the same kind as the adjoining public road for a distance of at least sixty (60) feet from the intersection and a width of at least twenty-two (22) feet.

4.4 Cabin Construction Requirements:

- (a) Each cabin must be clearly identified and marked in such a way as to make location easy for emergency vehicles day or night.
- (b) Cabins must be rustic in appearance with log or wood exterior. Plans, drawings or photographs of the type of cabins proposed must be submitted to the Lumpkin County Planning Department along with the preliminary plat.
- (c) The development must comply with the Georgia Accessibility Code.

4.5 General Regulations:

- (a) All developments consisting of 10 or more cabins must have personnel on site during all times the development is open for business.
- (b) Unless submitted and approved during the preliminary plat review, permanent residency in any cabin or dwelling is not permitted. If the need for on site personnel is determined at a later date, the owner of the Development must submit a variance request to the Lumpkin County Planning Department.
- (c) All walkways, trails and common areas must be rustic and unobtrusive in appearance.
- (d) Any permitted campfires, fire pits or outside cooking areas in the Development must be in areas designated by the owner or manager of the Development and must have a readily accessible water source and hose located nearby.

- (e) All cabins and any approved permanent dwellings must be maintained in a good state of repair.
- (f) All trash must be removed from the Development on a regular basis and not allowed to accumulate.
- (g) The Development must be operated free of any nuisances created by noise, smoke, smell, traffic, or other means.

Section 5. Plat Approval Fees

- (a) The fee for preliminary plat approval shall be \$50.00 per dwelling unit in the Development. Dwelling unit shall include rental cabins and any permanent dwellings.
- (b) The fee for final plat approval shall be \$10.00 per dwelling unit in the Development, with a minimum charge of \$50.00. Dwelling unit shall include rental cabins and any permanent dwellings.

Section 6. Severability

In the event any provision of this ordinance is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this ordinance.